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222 EASE 41ST STREET
NEW YORK, NY 10017

In re Application of :
Miguel S. Barbosa et al et al :
Serial No.: 09/853,544 : PETITION DECISION
Filed: May 10, 2001 :
Attorney Docket No.: 10624-051 :

This is in response to the petition under 37 CFR 1.181, filed January 30, 2006, requesting withdrawal of a improperly filed Notice of Appeal..

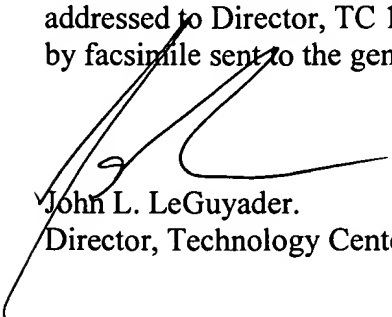
A review of the file history shows that applicants filed RCE papers on August 11, 2004. The examiner mailed a non-Final Office action to applicants on November 2, 2004, setting a three month shortened statutory period for reply. Applicants replied on February 2, 2005. The examiner then mailed a new non-Final Office action to applicants on August 31, 2005, setting a three month shortened statutory period for reply. Applicants replied on November 29, 2005, entitling the reply as a reply under 37 CFR 1.116 (reply to Final Office action). Accompanying the reply was a Notice of Appeal. The Notice of Appeal was not required, but was not improper as the application had been twice rejected. Upon realizing that the Notice of Appeal had been filed in error, applicants filed this petition seeking its withdrawal on January 30, 2006.

The petition is **GRANTED**. The Notice of Appeal fee paid will not be returned to applicants.

The petition fee of \$130.00 will be will be charged to applicants' Deposit Account, 50-3013, as directed.

The application will be forwarded to the examiner for consideration of applicants' reply of November 29, 2005.

Should there be any questions about this decision please contact William R. Dixon, Jr., by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0519 or by facsimile sent to the general Office facsimile number, 571-273-8300.


John L. LeGuyader.
Director, Technology Center 1600